

1912-008
Lee Co.

Chancery Causes: Florence M. Holt vs. Samuel Holt

Millies, Baker, Seymore, Smith

CA-Divorce
T-Vices

Florence M.Holt Complainant.
vs.) BILL.
Samuel Holt Defendant.

To the Honorable Circuit Court of Lee County:

Your complainant, Florence M.Holt, respectfully
represents:

(1) That on the 31st day of October, 1894, your complainant whose maiden name was Florence Millies, was lawfully married at Iron-
ton, in Lawrence County, Ohio, to Samuel Holt, as will appear from
a certificate of marriage filed herewith, marked " Exhibit A"; and
made a part of this bill; and,

(2) That continuously from the date of said marriage until the
the 22nd day of December, 1911, your complainant and the said
Samuel Holt lived together as husband and wife, and that they
lived together at Pennington Gap, Virginia, for one and a half
years next preceding their separation; and,

(3) That the said Samuel Holt has, since the aforesaid marriage,
committed adultery; that is to say, the said Samuel Holt was too
intimate with Visa Baker, a waitress in the employ of said Sam-
uel Holt while he was proprietor of the Hotel Pennington, at Pen-
nington Gap, Va.; that they were frequently seen in whispered con-
versations; that the said Samuel Holt furnished the said Wait-
ress, Visa Baker, money far in excess of the wages promised her,
with which she bought clothing and upon which ~~she~~ made frequent
trips by rail to Corbin, Ky., while in said employ; that on the
___ day of ___, 1911, the said Samuel Holt and Visa Baker were
shut up together in an unused room on the third floor of the
Hotel Pennington, at Pennington Gap, Va., and that the said Sam-
uel Holt did then and there have carnal, illicit sexual inter-
course with the said Visa Baker; and, that the said Samuel Holt
and Visa Baker have been seen in compromising positions at other
times and places; and,

(4) That the said Samuel Holt on the ___ day of June, 1912, at
Appalachia, Va., in the night time of that day in company with
another man whose name has not been given your complainant

5a that on the — day of March and the — day of April, 1912, the said Samuel Holt at Pennington Gap & St. Charles, Va. and does other places did then + there have carnal illicit sexual intercourse with one Minnie Popton, a woman of questionable character and ill reputation, and that she was frequently found in her company at some of these places.

ant, went automobiling with Lizzie Seymore and _____ Smith, women of questionable character and ill repute, living in or near Big Stone Gap, Va., and that on the _____ day of June, 1912, the said Samuel Holt in the suburbs of Big Stone Gap, Va., and between the towns of Appalachia, Va., and Big Stone Gap, Va., did then and there have carnal, illicit sexual intercourse with said Lizzie Seymore and _____ Smith; and,

(5) That on the 22 nd day of December, 1911, your complainant first became convinced that the said Samuel Holt had been guilty of carnal, illicit sexual intercourse with the said Visa Baker, and that on the _____ day of June, 1912, she heard for the first time of the committing of adultery of her said husband with the said Lizzie Seymore and _____ Smith; that she has not cohabited with him since obtaining the knowledge of the fact of said adultery; and, that upon obtaining the said knowledge she left said husband, and has since that time been employed as a clerk in an effort to earn a decent living; and,

(6) That at the time of the institution of this suit it had not been five years since said adultery occurred, and that it was not committed by the procurement or connivance of your complainant.

(7) Your complainant would further state, that, while not perhaps a question in this suit, the said Samuel Holt is a habitual drunkard, and that he has abused your complainant at various times without cause, and has struck her twice within the last few years of their married life; and, that the said Samuel Holt has failed to provide for your complainant, and that she has often been thrown upon the mercy of her relatives. Your complainant would further state the said Samuel Holt is violent, and has on various occasions smashed furniture, vases, bricabrac, etc., belonging to your complainant, and at one time the said Samuel Holt smashed a lighted lamp at her feet thereby greatly endangering your complainant's life; and,

(8) That your complainant and the said Samuel Holt have resided in this state and have been domiciled here for about two years and for more than one year next preceding the commencement of this suit,

and are domiciled and now reside in the state of Virginia,albeit your complainant is temporarily located in the state of Kentucky, where she is endeavoring to earn a livelihood; and,

(9) That your complainant last cohabited with the said Samuel Holt at Pennington Gap, Lee County, Virginia.

In consideration whereof, and inasmuch as your complainant is remediless in the premises save in a court of equity, your complainant prays that the said Samuel Holt be made a party defendant to this bill, and required, but not on oath, to answer the same, the oath being hereby waived; that a divorce from the bonds of matrimony which was created by the aforesaid marriage be decreed her; and that your complainant ~~be~~ may have such further and other, and general relief in the premises as the nature of her case may require, or to equity shall seem meet.

Davidson & Robinette

Florence M. Hoet.
Complainant.

p.q.

Florence M. Hoek
vs. } Bill

Samuel Hoek

Filed Aug 17, 1912

J. D. Edds clerk

1912: 2nd Aug R

Bill filed, Spa
Executed ~~at~~

" 1st Sept Rules

~~at~~ ~~at~~ ~~at~~ ~~at~~ ~~at~~ ~~at~~ ~~at~~ ~~at~~ ~~at~~ ~~at~~

* Cause set
for hearing

Clerk \$3.76

Atty. 15.00

Shff. 50

\$19.26

Davidson & Robinette
ATTORNEYS AT LAW
JONESVILLE, VA.

VIRGINIA:

In the Circuit Court for Lee County:

Florence M. Holt, Complainant, |

vs. |

Samuel Holt, Defendant. |

ANSWER.

To the Honorable H. A. W. Skeen, Judge of the
Circuit Court for Lee County:

The separate demurrer and answer of Samuel Holt to
a bill of complaint filed against him in the Circuit Court
of Lee County, Virginia, by Florence M. Holt, complainant:

Respondent says that the said bill of complaint is
insufficient in law to entitle complainant to the relief
prayed, or to any relief, and he therefore demurs thereto,
and prays the judgment of the court.

A N S W E R .

Should answer to the said bill of complaint filed
against him be required, respondent for answer thereto, or
to so much thereof as he is advised that it is material he
should answer, answers and says:

It is true that on the 31st day of October, 1894, your
complainant whose maiden name was Florence Millies, was
lawfully married at Ironton, Lawrence County, Ohio, to
respondent, Samuel Holt; and that,

It is further true that continuously from the date of
said marriage until the 22nd day of December, 1911, complainant
and respondent lived together as husband and wife, and that
they lived together at Pennington Gap, Virginia, and for
a period of one and a half years next preceeding the 22nd day
of December, 1911;

Respondent, however, denies that there has been any

separation upon his part.

It is not true and respondent emphatically denies that since the aforesaid marriage, he has committed adultery, and now specifically and emphatically denies that he was too intimate with Visa Baker, a waitress who was in the employ of your respondent while he was proprietor of the Hotel Pennington, at Pennington Gap, Va. Respondent further denies that he was seen frequently in whispered conversations with the said Visa Baker, or that he at any time whispered to her or conducted himself towards the said Visa Baker other than a gentleman. Respondent further says it is not true, and he emphatically denies that he furnished the said waitress, Visa Baker, money far in excess of the wages promised her, or any money at all, except that which she was entitled to by reason of the employment of the said Visa Baker, or that the said Visa Baker made frequent trips to Corbin, ~~to~~ Kentucky, at the instance of the said defendant, upon other than a business trip at one time.

Respondent in this connection would here state that while the said Visa Baker was in the employ of respondent he gave the said Visa Baker full charge of the dining room of the said hotel, and at one time respondent was short of help in the kitchen, whereupon the said Visa Baker informed your respondent that the said Visa Baker had a brother at Barboursville, Kentucky, whom she would like to have with her and who could perform the work in a satisfactory way, and that if your respondent desired the aforesaid brother, she, Visa Baker, would go to Barboursville, Ky., and persuade the said brother to accept the position with the Samuel Holt, whereupon the said respondent gave the said Visa Baker the sum of \$5.00 to defray the expenses of the said Visa Baker and her brother, but for no other purpose than that as above set out.

It is not true and respondent denies that on the ____ day

of _____, 1911, or at any other time, the said Samuel Holt and Visa Baker were shut up together in an unused room on the third floor of the Hotel Pennington, at Pennington Gap, Va., and that the said Samuel Holt did then and there have carnal, illicit sexual intercourse with the said Visa Baker, or at any other time; that it is not true and respondent emphatically denies that the said respondent and Visa Baker have been seen, or at any time in fact have been, in compromising positions at other times and places.

Respondent in this connection avers that the said Visa Baker was an employee under the direct supervision of respondent, and her duties as well as respondent's called them at various parts of the hotel, and it was necessary and a part of his duty to give, and the said Visa Baker's duty to receive, orders from the said respondent as to the work to be performed by the said Visa Baker' in and about the hotel and by reason of the positions held by each were thrown as a matter of course in communication and each others presence a great deal.

It is not true and respondent emphatically denies that the said Samuel Holt on the _____ day of June, 1912, or at any other time, at Appalachia, Va., or elsewhere, in the night time of that day in company with another man whose name has not been given your complainant, went automobiling with Lizzie Seymore and _____ Smith, women of questionable character and ill repute, living in or near Big Stone Gap, Va., and that on the _____ day of June, 1912, the said Samuel Holt, in the suburbs of Big Stone Gap, Va., or else where, and between the Towns of Appalachia, Va., and Big Stone Gap, Va., did then and there have carnal, illicit sexual intercourse with said Lizzie Seymore and _____ Smith, or either of them. Respondent denies that he had carnal knowledge of the above named, and avers that he does not know either of the said women nor

has he at any time ever spoken to or had anything whatever to do in any manner with the said Lizzie Seymore and the said _____ Smith.

Respondent admits that on the 22nd day of December, 1911, your complainant, Florence M. Holt, left respondent's residence in Pennington Gap, Va., but respondent avers that it was with the understanding and upon the request of the said Florence M. Holt, and for the purpose of visiting the parents of the said Complainant in Ironton, Ohio.

Respondent has no knowledge of the employment of the said Florence M. Holt in an effort to earn a decent living since her intended visit to her parents' home on or about the 22nd day of December, 1911, but in this connection avers that at the time of her departure for the above mentioned visit respondent provided her with sufficient funds, and that between that time and the 15th day of February, 1912, sent her a large sum of money, to-wit; the sum of \$45.00 for her own personal use, that respondent would have sent her more money and provided her with anything within reasonable which would add to her comfort and enjoyment, but during this period and for some few months previous business was at a stand still at Pennington Gap, and vicinity, and respondent suffered great financial losses, and had no money other than that which he had already sent to complainant that he felt could be sent her, and finally on or about the 28th day of February, 1912, on account of the heavy financial losses of respondent and the general business depression of that time, respondent was forced to retire from his business as proprietor of the said Hotel Pennington; that he was out of a position for a long time, to-wit; until ~~about the 28th day of February, 1912~~

about the 7th day of April, 1912, respondent secured a position as lumber inspector for McCorkle & Sons at Linden, Wise County, Va., and immediately wrote complainant advising her that he would at once send her some money, when respondent received a letter from her to the effect that she did not need nor desire any of respondent's money or effects.

Respondent avers that the aforesaid letter from complainant was the first intimation he had of any intention upon complainant's part to desert him, or that she desired a separation.

respondent says it is not true that the said Samuel Holt is a habitual drunkard, or that he has abused your complainant at various times, or at any time, either with or without cause, or that he has struck her twice, or at any time, within the last few years of their married life, or that he has ever struck her, save in a playful manner.

That it is not true that the said Samuel Holt has failed to provide for your complainant, or that she has often been thrown upon the mercy of her relatives, or any one else.

It is not true and respondent denies that he is violent, or that he has on various occasions, or any occasion, smashed furniture, cases, bricabrac, etc., belonging to your complainant, or that at one time the said Samuel Holt smashed a lighted lamp at her feet thereby greatly endangering your complainant's life. In this connection respondent avers that some time during the year 1900 respondent was engaged in conducting a hotel at Dinges, W. Va., and in said business had a gentleman and his wife as boarders; that the said parties were due respondent somewhere in the vicinity of \$40.00 for board, and said boarders suddenly vacated the room and departed from the town without paying or leaving any message to your respondent; that upon respondent's being informed of the state of affairs respondent and complainant went to the vacated room, and both of them being

angry at being defrauded, as they supposed, by the said boarders, respondent did pick up a lamp which was upon a dresser or table in the said vacated room, and hurl same in the hall; that complainant was standing back of respondent ~~at~~ the time and not in the line of the lamp as thrown; that respondent did not and had no intention, nor cause, for throwing the lamp at complainant.

Respondent here states he has at all times endeavored to be a faithful husband, providing the said complainant with all that was necessary to her comfort and enjoyment considering respondent's station in life; that he has on many occasions denied himself and his creditors in order that his wife might more enjoy herself, providing her with funds on many occasions to visit her friends in different portions of the United States, and is now willing and has always been, to care, provide for and maintain suitable to his condition in life the said complainant, and does not desire that she be thrown upon her relatives for maintenance, or that she endeavor to earn same herself. That complainant was never physically strong, and for that reason it has always been respondent's aim and pleasure to provide for her sufficient help even in their home.

Respondent now denies each and all of the allegations of the bill of complaint filed in this case not hereinbefore admitted or specifically denied.

And now having fully answered the complainant's bill, this respondent prays to be hence dismissed with his reasonable

costs by him in this behalf expended.

Samuel Holt
Respondent.

Morton & Parker,
Counsel.

Virginia, Wise County, To-wit:

Samuel Holt. the respondent named in the foregoing answer, being duly sworn, says, that the facts and allegations therein contained are true, except so far as they are therein stated to be on information, and that so far as they are therein stated to be upon information, he believes them to be true.

Samuel Holt
Respondent.

Taken, sworn to and subscribed before me, George Morton, a notary public of and for the county and state aforesaid, in my county aforesaid, this 16th day of November, 1912.

George Morton
Notary Public for Wise Co., va.

Florence M. Hoet,

v.

Samuel Hoet

Sumner

MORTON & PARKER,
ATTORNEYS AT LAW,
APPALACHIA, VIRGINIA.

Virginia;

In the Circuit Court for
Lee County.

Florence M. Holt. Complainant.

v
Samuel Holt. Defendant }

This day came the defendant
asking leave to file his
answer in this case, which
leave is hereby granted,
and said answer is
ordered, and same hereby
is, filed, and this case is
continued.

3.78

Florence M. Haet.

Samuel Holt

Order filing

Answer

Entered in COB
No 9 page

Enter 12/4/12

J. A. W. Silver
Judge

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

Samuel Holt

to appear at the Clerk's office of the Circuit Court of the county of Lee, at rules to be held for the said court, on the *3rd* Monday in *August* 191*2* to answer a bill in chancery exhibited against *him by Florence Holt*

And have then there this writ. Witness, J. D. EDDS, Clerk of our said Court, at the court-house, the *19th* day of *Aug.* 191*2*, and 1*37* year of the Commonwealth.

A Copy Teste:

J. D. Edds

Clerk

, Clerk

Florence Holt

vs. } SUBPOENA
IN CHANCERY.

Samuel Holt

Davidson & Robinson p. q.

To J. J. Beverly Rules

Circuit Court

1912
The Within subpoena
was duly executed
by me in wife Co Va
this aug the 14-1912
by delivering a true copy
to Samuel Holt in
person

E. F. Carter Deputy
for J. J. Beverly S.W.C.